

# From “Content Carrier” to “Cultural Commodity”: A Study on the Institutional Lag in Publishing Copyright Governance under the Rise of Special Edition Books

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## Abstract

In recent years, with the transformation of the publishing market and the upgrading of reader consumption, publishing forms such as special edition books and hardcover books, characterized by binding design and limited-edition attributes as their core selling points, have rapidly emerged, driving books from mere “content carriers” toward cultural commodities with both aesthetic and collectible value. However, the current copyright system has long been centered on textual content, and its definition of rights related to binding design and re-creative practices remains relatively lagging, resulting in issues such as ambiguous rights ownership and the absence of effective governance mechanisms. This paper analyzes phenomena such as secondary binding, imbalanced rights distribution, and “quasi-piracy,” explores the new challenges posed by the rise of special edition books to traditional copyright governance, and proposes governance approaches centered on rights reconfirmation, contractual refinement, and industry self-regulation.

## Keywords

Special edition books; Hardcover books; Copyright governance; Binding design; Publishing industry

## 1. The Rise of Special Edition Books and the Structural Transformation of Publishing Forms

### 1.1. The Market Expansion Logic of Special and Hardcover Books

Against the rapid development of digital reading and content platforms, the functional advantage of printed books as mere “content carriers” has gradually weakened. In response, publishers have shifted their focus from content exclusivity to material differentiation, making special edition and hardcover books important

strategies for addressing the impact of digital reading. Through exquisite binding, special materials, limited numbering, and author signatures, these books enhance sensory experience and collectible value, transforming books from reading objects into cultural commodities with aesthetic and symbolic meanings. Unlike ordinary books that rely on discounted mass sales, special edition books achieve premium pricing by emphasizing scarcity and design value. Their target consumers have also shifted from general readers to niche groups with stronger cultural consumption and collecting awareness. As a result, the economic value of books is increasingly determined not only by textual content but also by their physical form and aesthetic appeal.

From the perspective of intellectual property theory, this transformation raises the issue of distinguishing functionality from aesthetics. The Separability Test established in *Star Athletica v. Varsity Brands* (2017) provides an important legal framework, holding that aesthetic designs on useful articles are copyrightable only when they can be separately identified and independently exist as artistic works. This logic closely corresponds to the growing emphasis on binding design in special edition books.

## **1.2. From Readers to Collectors: The Transformation of Reader Roles**

The rise of special edition book consumption is also accompanied by the transformation of readers' roles. For some consumers, the primary purpose of purchasing special edition books is not complete reading, but rather cultural collection or identity signaling. This shift in consumption logic makes books increasingly resemble artworks, limited commodities, or designed products.

When consumers' focus shifts from use-value to appearance and symbolic meaning, the social cognitive attributes of the work are correspondingly transformed. In practice, special edition books clearly embody this characteristic: their value does not entirely depend on whether they are read, but rather on whether they possess scarcity, aesthetic coherence, and collectible narratives. However, as the value center of books shifts from content to appearance and limited-edition mechanisms, the rights relations involved in their production, circulation, and recreation become significantly more complex. Such complexity is not the result of incidental mistakes in isolated publishing practices; rather, it constitutes an inevitable outcome of the structural transformation of publication forms.

## **2. The Applicability Boundaries and Failure of the "Content-Centered" Copyright System**

### **2.1. The Institutional Design of Content-Centeredism and the Neglect of Carriers**

At the level of institutional design, China's copyright law system has long followed a content-centered legislative logic. This logic is embodied in the enumerative

provisions of Article 3 of the Copyright Law, which clearly prioritizes literary, artistic, and scientific works, focusing on the protection of authors' moral and economic rights over the content of works. In the field of publishing law, this logic manifests itself as strong emphasis on textual creation and dissemination rights, while relatively neglecting carrier elements such as bookbinding design and physical form.

Under traditional publishing models, this arrangement was rational because binding design was long regarded as auxiliary labor attached to content. However, in the face of the complex material innovations of special edition books, the current institutional supply has shown obvious misalignment. For example, the layout design right stipulated in Article 37 of the Copyright Law is usually limited to the spatial arrangement of pages, including spacing and layout, and can hardly cover the material innovations emphasized by special edition books, such as special paper usage, three-dimensional structural craftsmanship, and integrated visual interaction design. The existing scope of neighboring rights, such as layout design rights, remains relatively narrow, often extending only to the spatial arrangement of pages. It is therefore difficult for the current legal framework to cover the complex “material” design innovations embodied in special edition books, resulting in a disconnect between legal protection and the realities of industry practice.

## **2.2. The Institutional Marginalization of Binding Design and the Materiality of Books**

The rise of the special edition market demonstrates that bookbinding is no longer merely a protective layer for text, but has evolved into an intellectual achievement with independent aesthetic value and creative attributes. However, under the current legal framework, the legal characterization of binding design remains ambiguous. This ambiguity results in significant uncertainty in rights enforcement:

- If recognized as an artistic work, it enjoys strong copyright protection;
- If regarded merely as layout design, it falls under neighboring rights with limited duration and scope;
- If pushed toward design patent protection, it requires registration and offers short-term protection.

This wavering legal characterization has led to the marginalization of binding design in the legal evaluation system. Particularly when complex combinations of craftsmanship are involved, the Separability Test in copyright law theory concerning the distinction between functionality and aesthetic expression has not yet been clearly articulated in Chinese legislation. Aesthetic logic should, in principle, constitute an important consideration in determining the originality of a work. However, when confronted with the sophisticated craft combinations commonly found in special edition books—such as sprayed edges and hollow-cut designs—the current legal framework finds it difficult to accurately assess the degree of originality

involved. This ambiguity directly places bookbinding designers in a disadvantaged position with regard to rights confirmation, attribution standards, and revenue distribution, and also lays the groundwork for subsequent disputes over rights in practices such as secondary binding.

### **2.3. Abbreviations and Acronyms**

Against the dual background of unclear institutional boundaries and indeterminate legal attributes of rights, a tacit operational logic of “default ambiguity” has gradually taken shape in publishing practice. Faced with the premium profits generated by special edition books, both publishing houses and third-party design agencies often operate within a grey zone due to the lack of unified industry standards and explicit legal guidance.

This is specifically manifested in several ways: secondary binding is often carried out without renegotiating authorization, design drafts are repeatedly reused without additional remuneration, and rights disputes are frequently left unresolved because of the high cost of rights protection and litigation. In addition, the substantial profit incentives brought about by the booming special edition book market have led to the widespread proliferation of unauthorized privately customized editions or replica editions. Such practices have become increasingly prevalent in the market. While this state of affairs appears, on the surface, to maintain the operational efficiency of the publishing industry, it undermines in the long run the normative authority and public credibility of the copyright system, resulting in the inability of the value of design labor to obtain formal institutional recognition and legal protection.

## **3. Core Contradictions in Copyright Governance in the Context of Special Edition Books**

### **3.1. The Independence of Binding Design and the Blind Spots of Rights Protection**

The defining feature of special edition books lies in the prominence of their “non-content” elements, including binding design, material selection, structural creativity, and overall visual style. However, whether these elements constitute “works” within the meaning of copyright law remains contested in both theory and practice. If binding design is recognized as an independent work, its ownership and scope of rights must be clearly defined; if its status as a work is denied, it becomes difficult to explain the substantial value it generates in the market.

From a jurisprudential perspective, this issue concerns the distinction between “editorial rights” and traditional copyright. Luo Mingdong points out that the creative labor invested by editors in the book production process—including planning, layout, and binding conception—constitutes a form of “editorial legal interest.” In the digital era, this interest is rapidly evolving; without clear

identification of the rights object, the intellectual contributions of editors and designers are easily obscured by a “content-centered” copyright system. This contradiction highlights the limited adaptability of the current copyright regime in the face of evolving publication forms.

### **3.2. The Copyright Boundary of Secondary Binding and Re-Creation: Destruction or Regeneration**

In practice, secondary binding takes multiple forms, including publisher-led redesigns for reprints, handcrafted rebinding by independent designers, and folk artistic transformations for competition or collection purposes. These practices differ from textual adaptation and do not entirely exist independently from the original work. Under the current legal framework, it remains unclear whether secondary binding constitutes fair use, adaptation, or requires renewed authorization, as no unified standard has been established.

Wang Rongguang emphasizes that publishers enjoy a series of exclusive rights, such as layout design rights, over the works they publish, which serve as the foundation for maintaining publishing order. However, when third parties purchase legally published books, dismantle and rebind them, and resell them at high prices, although they may possess ownership under the doctrine of exhaustion of rights, such fundamental alterations to the physical form of the book may infringe upon the publisher’s layout design rights as well as the author’s right to the integrity of the work. The widespread practice of “implicit non-intervention” in such cases reflects the lag of copyright governance in addressing new forms of creative activity.

### **3.3. The Instrumentalization of Copyright under the Logic of Limited Commodities**

Special edition books generate scarcity through limited releases, signed copies, and numbered editions, and part of their market value derives from the legitimacy and exclusivity conferred by copyright. In this process, copyright functions not only as a mechanism for protecting creation, but also as a tool for marketing and premium pricing. Zhan Yan argues that when copyright protection is excessively expanded and deeply intertwined with commercial interests, cultural products tend to exhibit a high degree of commodification. This tendency is particularly evident in the special edition book market. Rights holders often artificially create scarcity through exclusive publishing rights—for example, by reissuing “limited editions” after declaring previous editions out of print—thereby decoupling book prices from the cost of knowledge dissemination.

When copyright is used to reinforce scarcity, the public cultural function of books may be weakened, raising fundamental questions about the social role of copyright: is it protecting innovation, or sustaining monopoly profits? For instance, limited editions of the Harry Potter series—such as those designed by MinaLima or early

signed editions—have been resold in secondary markets at dozens of times their original price. Leveraging copyright monopolies, publishers package books as “collector’s items” through high-end craftsmanship such as gemstone inlays and leather bindings, transforming them from reading media into speculative cultural commodities. This phenomenon has sparked ongoing debate within the industry regarding whether copyright monopolies encourage speculative behavior, and has prompted further reflection on the social function of copyright systems.

### **3.4. Imbalance of Rights among Designers, Publishers, and Authors**

In the production chain of special edition books, authors, publishers, and binding designers constitute the core participants. However, compared to authors and publishers, designers are often in a disadvantaged position in terms of rights confirmation and revenue distribution. As Luo Mingdong observes, the labor of editors and designers is typically treated as “work-for-hire” attached to the publisher, and the resulting “editorial legal interest” lacks independent recognition within the current Copyright Law, often being subsumed under neighboring rights held by publishers. This means that even when a special edition book achieves significant premium value due to its design, designers usually receive only a one-time design fee and are unable to share in subsequent copyright revenues. This structural imbalance not only undermines designers’ creative motivation but also hinders the long-term accumulation of innovation capacity in the publishing industry.

### **3.5. The Grey Zone of Fan Economy and “Quasi-Piracy”**

Driven by fan culture, self-made book covers, fan-based rebinding, and privately printed special editions frequently appear on secondary trading platforms. Such practices typically do not directly reproduce textual content, but closely imitate official design styles, creating strong visual associations with the original editions. Since they do not constitute traditional textual infringement, these practices often fall into a legal grey area. Zhan Yan’s research indicates that under the conditions of cultural globalization and commodification, participatory culture often generates tensions with copyright law. On the one hand, such “quasi-piracy” reflects fans’ appreciation and dissemination of the original work; on the other hand, it may substitute for or encroach upon the official special edition market. Whether such “visual imitation” constitutes unfair competition remains unclear due to the lack of explicit judicial interpretation, further intensifying the complexity of copyright governance.

## **4. The Social and Industrial Impacts of Institutional Lag**

### **4.1. The Institutional Undervaluation of Design Labor and the Silencing of Its Value**

The insufficient institutional protection of binding design has long placed design labor in a marginal position as something “readily replaceable.” Zou Qiang points out in *A Study on Multi-Measure Protection of Book Binding Design* that, due to the lack of an independent legal definition of “binding design” as a protected object under China’s Copyright Law, it can often seek only limited protection in judicial practice by relying on categories such as “compilation works” or “layout design.” This legally ambiguous and inadequately grounded status has directly led to the serious undervaluation of design labor.

In publishing practice, Ding Yuxian’s research finds that, due to the absence of unified standards for rights valuation, publishers often adopt a “one-time buyout” commissioned creation model when managing cover design. Under this model, designers are only able to receive relatively low service fees and, unlike textual authors, are unable to enjoy royalty-based income. The solidification of such a distribution mechanism not only hinders outstanding artistic talent from entering the publishing industry, but also makes it difficult for the overall quality of publications to break free from the constraints of routine commercial production.

#### **4.2. Institutional Risks and the “Tragedy of the Commons” in Publishing Innovation**

When innovative practices lack clear rights protection, both publishers and creators face a high degree of uncertainty in exploring new forms of publication. Zhao Jianrui’s research shows that, in the context of the integration of the digital and real economies, the existing category of layout design rights is excessively narrow and fails to cover the “overall visual identity” and “interactive craftsmanship” emphasized by special edition books.

This means that if a publishing house invests substantial resources in developing an innovative three-dimensional fore-edge structure, once it is introduced to the market, it can easily be imitated by competitors with only minor modifications. Due to the absence of clear exclusive rights, such innovation is highly susceptible to falling into a “tragedy of the commons”—that is, the pioneer is unable to recover its innovation costs, while later entrants benefit from imitation without bearing the initial investment, ultimately suppressing the innovative momentum of the entire industry.

#### **4.3. Imbalanced Interests and the Weakening of Publicity under Cultural Commodification**

The high premium prices of special edition books do not necessarily translate into reasonable returns for creators. Zhan Yan warns in *Copyright Expansion: Cultural Commodification and Cultural Globalization* that when copyright protection becomes excessively tilted toward commercial interests, cultural products tend to exhibit a high degree of commodification. As a result, the “aesthetic premium” paid by consumers is often appropriated by publishers with channel advantages or

by speculators in secondary markets, while the actual creators—such as designers and editors—remain at the lower end of the benefit distribution chain.

This inequality is also reflected in the erosion of the public's right of access and use. Liu Yinliang argues that copyright law should maintain an interdependent balance between the rights of creators and the public's freedom of use. However, in the special edition book market, artificially created scarcity and the misuse of copyright have sharply increased the cost for ordinary readers to obtain aesthetic experiences, while the public character of cultural dissemination has gradually been weakened under the pressure of commercial logic.

## 5. A Gradual Governance Approach to Copyright Issues in Special Edition Books

Given that the existing copyright system remains inadequate in fully responding to the practices associated with special edition books, it is necessary to advance a gradual governance approach from multiple dimensions. First, at both the theoretical and practical levels, the status of binding design as a protectable subject matter should be re-examined. It is essential to clarify its position within the copyright governance framework as an intellectual creation possessing independent aesthetic value and creative attributes, thereby providing a normative foundation for subsequent institutional improvements. Second, in light of the difficulty of achieving legislative reform in the short term, greater reliance can be placed on contractual mechanisms to refine the allocation of rights in design outcomes. By specifying the scope of use, forms of attribution, and mechanisms for revenue-sharing in cases of reuse, it is possible to alleviate the structural imbalance among designers, publishers, and authors. Third, in a transitional phase where institutional gaps coexist with practical innovation, industry associations and publishing institutions may take the lead in establishing baseline consensus through case-based guidelines and self-regulatory norms. Such efforts can help regulate high-frequency practices—such as secondary binding and limited-edition publishing—thereby reducing grey-zone operations and mitigating potential risks of rights disputes.

Through the coordinated advancement of theoretical clarification, contractual refinement, and industry self-regulation, copyright issues related to special edition books may gradually move toward standardized governance without causing disruptive shocks to the existing institutional framework.

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